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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,079	08/05/2003	Tian Z. Ma	45,024	5249
28309	7590	06/06/2005		
BOWERS HARRISON LLP			EXAMINER	
GARY K. PRICE, ESP.			NGUYEN, TUAN N	
25 RIVERSIDE DRIVE				
PO BOX 1287			ART UNIT	PAPER NUMBER
EVANSVILLE, IN 47706-1287			3751	
				DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/634,079	MA ET AL.	
	Examiner Tuan N. Nguyen	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 August 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because there are two "55A" and two "55" in Fig. 2 and two "55A" in Fig. 3, which cause confusion. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because it can't be longer than 150 words. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: "hose 40" on line 19 of page 4 should be --hose 45--.

Appropriate correction is required.

***Claim Objections***

4. Claims 1-10 are objected to because of the following informalities: "releasingly" on line 7 of claim 1 is misspelled and apparently should be --releasably--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson.

Thompson discloses a toilet bowl for venting odious air therefrom, the toilet bowl comprising a discharge outlet (18) connected to a sewer line (20), a chamber (22,24) having a first end in communication with the discharge outlet and a second end in communication with a vent opening (40), the vent opening defined within a rim portion of the toilet bowl, a gate (38) disposed within the chamber, the gate having an open position and a closed position, an exhaust fan (26) positioned within the chamber, control means (30) for actuating the exhaust fan, a pressure sensor means (28) which is positioned on an upper surface of the rim portion of the toilet bowl, wherein the exhaust

fan when activated produces an air flow, said air flow urging the gate to the open position, wherein the gate in the open position directs the flow of air from the toilet bowl towards the sewer line.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boisvert in view of Sanford.

Boisvert discloses a toilet bowl for venting odious air therefrom, the toilet bowl comprising: a discharge outlet (about 17) connected to a sewer line, a chamber (the back portion of the discharge passage 16 to the back wall 78), an exhaust hose (defined by walls 55 and 57) integrally formed with the bowl and having a first end and a second end opposite the first end, wherein the second end of the exhaust hose is sealingly attached to an opening (about 52) in the chamber, the opening in communication with the discharge outlet, a housing (42) having a first end integrally coupled to the first end of the exhaust hose (see Fig. 10), an electromagnetic gate (41) attached to a frame (61,66,44) which fitted within the housing, an exhaust fan (60) positioned adjacent to the gate, a surface end disposed between the exhaust fan and the gate, wherein the second end of the housing is sealingly attached to a vent opening (50) which is defined within a rim portion of the toilet bowl, wherein the exhaust fan when activated produces

an air flow, said air flow urging the gate to an open position. Although the Boisvert housing and exhaust hose are integrally formed with the toilet bowl and the Boisvert reference remains silent as to a control means and a pressure sensor for actuating the exhaust fan, attention is directed to the Sanford reference which discloses an analogous toilet bowl having a separate housing (35) and a separate exhaust hose (36) in a chamber (70). The Sanford reference further discloses a control means (TS) and a pressure sensor switch for actuating the exhaust fan (see col. 2, line 36 et seq.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a separate housing and a separate exhaust hose in the Boisvert chamber and to employ a control means and a pressure sensor switch as, for example, taught by Sanford in order to accurately control the operation of the venting system when the user actually seat on a toilet seat.

The Boisvert toilet bowl further comprises an access opening (which is cover by cover 39) disposed on the outer surface of the toilet bowl to allow access to the chamber; the vent opening extends upward from a lower surface of the rim portion and is in communication with the odious air; wherein the exhaust fan is disposed between the second end of the housing and the gate, which is hinged to the frame (61); wherein the surface end, obviously, comprises a surface disposed along the perimeter of the surface end and obviously would have a magnetic field produced by an electric current since it is also electromagnetically operated, wherein the magnetic force applied to the surface pulls the gate to a closed position forming an airtight seal between the gate and the surface end as intended. The Boisvert gate would obviously be constructed of

metallic material as well known in the electromagnetic art and the metallic material could be from any known soft metal material or mild steel material.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sim, Rose et al., Gandini, Webb, and Cline disclose other toilet bowl for venting odious air therefrom.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tuan Nguyen  
Primary Examiner  
Art Unit 3751

TN

6/11/05